

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SHAWN MARTINEZ,

Plaintiff,

vs

9:06-CV-546

R.J. MINOGUE, Captain; and DONALD SELSKY,  
Director, Special Housing Unit,

Defendants.  
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APPEARANCES:

OF COUNSEL:

SHAWN MARTINEZ  
Plaintiff, Pro Se  
904 N. Hastings Street  
Orlando, FL 32808

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, NY 12224

DAVID FRUCHTER, ESQ.  
Assistant Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Shawn Martinez, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 31, 2008, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendants' motion for summary judgment (Docket No. 31) be granted, and the plaintiff's complaint be dismissed in all respects. The plaintiff has not filed any objections to the Report-Recommendation.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

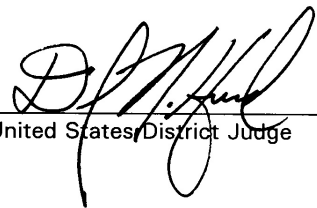
Accordingly, it is

ORDERED that

1. Defendants; motion for summary judgment is GRANTED;
2. The plaintiff's complaint is DISMISSED in all respects.
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: September 11, 2008  
Utica, New York.

  
United States District Judge